

Public Service Commission.**346.**

This section referred to in holding that Northern Central Railway Company might issue securities with approval of Interstate Commerce Commission, as authorized by sec. 20A of Transportation Act, 1920, without securing approval of Public Service Commission of Maryland. *Public Serv. Commn. v. N. C. Rwy. Co.*, 146 Md. 583.

The commission has no jurisdiction to authorize sale by municipality of property dedicated to public use; powers conferred upon the commission are of a regulatory nature and do not include either granting or withdrawal of franchise. *Worcester v. Hancock*, 151 Md. 678.

This section *et seq.*, look to same end as art. 56, sec. 258, *et seq.* *Rutledge Assn. v. Baughman*, 153 Md. 301.

Secs. 346-418 of this article repealed sec. 3 of art. 37 and the provisions of secs. 4-15 of said article, vesting regulatory and supervisory powers in the Mayor of Baltimore or the County Commissioners of the Counties. *Bay Bridge Ferry Corp. v. Queen Anne's Co.*, 160 Md. 398.

Secs. 346-418 referred to in construing art. 27, sec. 170. *State v. Coblenz*, 167 Md. 527.

Cited but not construed in *Parlett, etc., v. Tidewater Lines*, 164 Md. 411.

Cited but not construed in *Public Service Commn. v. Williams*, 166 Md. 283.

An. Code, 1924, sec. 347. 1914, ch. 445, sec. 1½.

347.¹ The term "common carrier," when used in this sub-title, shall likewise include all automobile transportation companies, and all persons and associations of persons, whether incorporated or not, operating automobiles or motor cars, or motor vehicles, for public use in the conveyance of persons or property within this State; and every municipal corporation of this State engaged in the business of manufacturing and supplying or of supplying gas or electricity for other than municipal purposes shall be included within the terms "Gas Corporation" and "Electrical Corporation," as defined in the next preceding section of this sub-title, and shall be subject as other gas and electrical corporations are to the provisions of this sub-title.

Subsequent to decision in *Hagerstown v. Littleton*, 143 Md. 595, P. S. C. refused Hagerstown authority to issue bonds for construction of electric light plant. Necessity of applying to P. S. C. for authority to issue bonds for such construction, notwithstanding amendment of this section and sec. 390 by act 1924, ch. 48, and passage of act 1924, ch. 380, authorizing issue of bonds. Classification of cities for purpose of legislation. See notes to art. 3, sec. 33, of Constitution. Injunction. *Littleton v. Hagerstown*, 150 Md. 166 (*cf.* dissenting opinion). But see *Public Serv. Commn. v. Byron*, 153 Md. 483, and notes to sec. 408.

This section referred to in construing secs. 251-257A of art. 56. *Public Serv. Commn. v. Williams*, 167 Md. 330.

See notes to sec. 379.

An. Code, 1924, sec. 348. 1916, ch. 272, sec. 1¾. 1929, ch. 482.

348. The term Common Carrier when used in this sub-title shall likewise include all bridges now or hereafter erected by any corporation authorized to charge and collect toll from persons using the same as foot passengers and for vehicular traffic of every kind.

¹ The act of 1924, ch. 48, having been declared unconstitutional in *Littleton v. Hagerstown*, 150 Md. 163—see also *P. S. C. v. Byron*, 153 Md. 484—this section is codified as it stood prior to the act of 1924.